IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22423 of 2007(T)

PETITIONER:

T. KESAVAN, MANAGING PARTNER,
GOLD STAR RICE MILL, ADUVASSERY,
KUNNUKARA P.O., VIA NORTH PARUR.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

1. DEPUTY SUPERINTENDENT OF POLICE, ALUVA.

2. C.I. OF POLICE, CHENGAMANAD.

3. SUB INSPECTOR OF POLICE, CHENGAMANAD.

4. M.A. SIDDIQUE, S/O. ABDUL KHADER,
MATHILAKATH HOUSE, METHALA,
KANDAMKULAM P.O., KODUNGALLUR.

5. M.A. THAJU, MATHILAKATHU HOUSE,
METHALA, KANDAMKULAM P.O.,
KODUNGALLUR.

BY GOVT. PLEADER SRI.K.C.SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

W.P.(C)No. 22423 of 2007 T

JUDGMENT

Koshy, J.

This petition is filed for police protection to dismantle and sell the machinery of the firm 'Gold Star Rice Mill'. According to the petitioner, he is the Managing Partner. He purchased the above firm from respondents 4 and 5. Exhibit P1 deed shows that respondents 4 and 5 were partners earlier, and according to the petitioner, they retired from the partnership. But, it is also stated that O.S. No.537/06 is filed by the fourth respondent before the Munsiff's Court, North Parur, but failed to get an order against the petitioner. That shows that a civil suit is pending between the fourth respondent and the petitioner. Pending civil disputes, we cannot direct the petitioner to remove and sell the machinery, as it will render the suit itself infructuous. Article 226 of the Constitution of

India cannot be used for settling the civil disputes.

Therefore, without prejudice to the rights of the petitioner approaching the civil court and also getting appropriate orders even filing a fresh suit in the civil court, this writ petition is dismissed.

(J.B.Koshy, Judge)

20th July, 2007

(K.P.Balachandran, Judge)

tkv